IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.175 OF 2004
IN
SUMMARY SUIT NO.2805 OF 2003

GMAC-TCFC Finance Limited Plaintiff

versus

Nandu Chabbria and another Defendant

Mr.P.M.Shah for plaintiff.

Mr.S.Jain i/by Ranjit & Co. for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th June 2005

PC :

1. Learned counsel appearing for plaintiff brings to my notice the fact that the name of plaintiff company has changed. In the light of this, he seeks leave to withdraw the Summons for Judgement with liberty to take out a fresh one after appropriate amendments are carried out to the plaint. Leave granted. Summons for Judgement allowed to be withdrawn with liberty as prayed.

2. The new name of the plaintiff company is GMAC

Financial Services (India) Limited. It appears to me that this is a formal amendment to be carried out only to the cause title of the plaint. Some consequential amendments to the plaint would be necessary in the light of the correction in the name of plaintiff. Mr.Jain appearing for the defendant has no objection if the amendment is granted. However, he submits that all contentions of defendants on maintainability of the suit as well as on merits be kept open.

3. In the light of the concession granted by Mr.Jain, I grant further leave to the plaintiff to substitute name of the plaintiff as above. All consequential amendments be also carried out in the plaint. Amendment to be carried out within a period of two weeks. Amended copy of the plaint be served on the defendants within two weeks thereafter. Needless to state that it would be open for the plaintiff to take out fresh Summons for Judgement after service of amended copy of plaint is complete.

(S.C.DHARMADHIKARI, J.)